THE MONROE DOCTRINE—ITS ORIGIN AND IMPORT.

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I.

In December, 1823, when President Monroe promulgated the great American doctrine of non-intervention which bears his name, we were hardly as yet a nation. Forty-seven years had elapsed since our Declaration of Independence, and even if we concede the contention of the mother country and date our birth from the Treaty of Peace of 1782, we had been autonomous communities nearly forty years. But, as our Federal Constitution was then generally interpreted, we were not, strictly speaking, a nation. A nation, in the strict legal sense of that term, cannot be said to exist without individual citizens or subjects who owe it direct and paramount allegiance; and at that time the United States as a national entity had neither citizens nor subjects. The theory of our Constitution was, that a person could be a citizen of the United States only as he was such incidentally by reason of his being a citizen of some one of the constituent commonwealths or "States" of the Union. And the necessary conclusion from such a premise was, that his paramount allegiance was due to the State, and not to the Federal Government. In other words, to adopt the language of that school of politics whereof Mr. Monroe himself was understood to be an adherent, we were but a league or confederation of "sovereign and independent States," any one of which, "for reasons satisfactory to itself," might legally withdraw from the Federal compact.

We had, indeed, become accustomed to the phrases "American citizen" and "citizen of the United States." These were quite common in our political and judicial nomenclature. But

they had no very definite meaning. There had never been an attempt at a constitutional definition of either; and our statutes and judicial decisions were searched in vain for some authentic statement of their meaning. The complex term "citizen of the United States" was as little understood, and as much open to speculative criticism, as it had been at the foundation of government. It was not till forty-five years after the Monroe declaration that the Fourteenth Constitutional Amendment established a citizenship of the United States wholly independent of State lines, and thus, for the first time, made us a nation in fact as well as in name.

I refer to this anomaly in our constitutional and political history only for the purpose of showing that what we call the "Monroe Doctrine" had attained to its full maturity far in advance of our national sentiment. Nor was Mr. Monroe its founder; he was not even the first to proclaim it. From the very beginning of our career as autonomous communities, there had been a settled conviction in the public mind that it would be impolitic and dangerous for us to meddle in European political broils; and the opinion was even more general that it would seriously menace our peace and safety for European nations to obtain any new foot-hold, or to extend in any manner the sphere of their political influence on this hemisphere

But, whilst this sentiment was deep-seated and practically unanimous, it did not find formal official utterance until twenty years after our Declaration of Independence, and a little over twenty-seven before the Monroe declaration. I allude, of course, to President Washington's Farewell Address of September, 1796, wherein he recommended "the extension of our commercial relations to European countries," but coupled with the solemn warning to "have as little political connection with them as possible." In so far as we had already formed engagements with them, "our obligations should be fulfilled with perfect good faith;" but there we should "stop." The reasons which he assigned for this were, that "European nations have a set of primary interests which have no relation to us as a free people;" that "the causes of their frequent quarrels are essentially foreign to our concerns;" and that we should, therefore, "hold ourselves aloof," and avoid complicating ourselves, "by artificial ties," in the vicissitudes of their politics. "Our detached and distant situation"

would, he thought, "enable us to do this;" our attitude of "strict neutrality" would soon come to be respected; belligerent nations, "realizing the impossibility of making acquisitions upon us," would "not lightly hazard giving us provocation;" and we should thus be "free to choose peace or war as our own interests, guided by justice, might direct or counsel."

The Monroe declaration of December, 1823, was but the logical outcome of this warning, and, like it, needed but the occasion to bring it forth. It was not, however, the first official reiteration of the principles involved in Washington's warning; in point of fact, it was the third in chronological order. There had been an animated controversy between England, Russia and the United States involving title to what was then known as the "Northwest Territory," comprehending large portions of what are now Oregon and Alaska. During that controversy, the fact was disclosed that both England and Russia considered certain alleged "unoccupied" portions of North and South America as *res nullius,* or "vacant lands" open to colonization. This raised an issue of law and fact which was promptly met by the Monroe administration. John Quincy Adams, then Secretary of State, under date of July 2nd, 1823, addressed an official letter to Benjamin Rush, our Minister at London, wherein, speaking of the Latin-American republics, he said:

> "Those independent nations will possess all the rights incident to that condition, and their territories will, of course, be subject to no exclusive right of navigation in their vicinity, or access to them by any foreign nation. A necessary consequence of this will be that the American continents henceforth will no longer be subject to colonization. Occupied by civilized nations, they will be accessible to Europeans on that footing alone."*

This letter, written presumably by direction of the President, was something more than an ordinary "instruction" to the Minister for his own personal information and guidance. It was intended as a formal notice to the British Government, directed through the regular diplomatic channel, that thenceforth the American continents were to be considered closed to European colonization; that there were no more unoccupied or "vacant lands" over which European Powers might contend for pos-

* Adams's Diary, VI., 163; Arch. State Department: Whart. Dig., Sec. 57.

session; and there is no reason to doubt that Mr. Canning, the British Premier, to whom its contents were made known, so understood it.

Fifteen days later—that is to say, on the 17th of the same month—Mr. Adams orally repeated the substance of the same statement to Baron Tüyl, the Russian Minister at Washington; and, in the course of the interview, he took occasion to add that the United States would "contest Russia's right to any new territorial establishment" on this continent, and "would assume distinctly the principle that the American continents were no longer subjects for any new colonial establishments."*

II.

It has been said, and repeated often enough to gain some degree of credence, that the Monroe Doctrine had an European origin. The claim is that the British Premier, Mr. Canning, suggested it to Mr. Rush during their personal conference in September, 1823, relative to the hostile designs of the so-called "Holy Alliance" upon the newly enfranchised Spanish-American republics. The absurdity of this claim seems to me too manifest to merit serious consideration. In the first place, the Canning-Rush conference did not take place until two months after the date of Mr. Adams's note to Mr. Rush, in which, as we have seen, the Doctrine was clearly outlined. It did not take place until a month and a half after Mr. Adams's interview with the Russian Minister, in which he re-asserted and emphasized the same principle. Hence the impossibility that the first suggestion of it could have come from Mr. Canning at the time and place indicated; and it has never been intimated, much less asserted, that it came from him at any time prior to the date of his "private and confidential" note of August 20th, addressed to Mr. Rush. Nor did that note embody any one of the three propositions which constitute what afterwards became known as the Monroe Doctrine.† In the second place, we have Mr. Canning's own words in refutation of the claim, which, in the absence of rebutting evidence, ought to be conclusive. In a letter addressed to the British Minister at Madrid, dated December 21st, 1823, he said:

* Adams's Diary.

† See the document itself, as printed for the first time in Mr. W. C. Ford's "John Quincy Adams and the Monroe Doctrine," p. 47.

"Monarchy in Mexico and Brazil would cure the evils of universal democracy, and prevent the drawing of a demarcation which I most dread, namely, America *versus* Europe."

And further on in the same letter, speaking of his conference with Mr. Rush, he says:

"While I was yet hesitating, in September last, what shape to give the proposed declaration and protest" (against the designs of the Holy Alliance) "I *sounded* Mr. Rush, the American Minister here, as to his powers and disposition to join in any step which we might take to prevent a hostile enterprise by European Powers against Spanish America. He had no powers; but he would have taken upon himself to join us if we would have begun by recognizing the independence of the Spanish-American States. This we could not do, and so we went on without. But I have no doubt that his report to his Government of this *sounding*, which he probably represented as an overture, had something to do in hastening the explicit declaration of the President."*

This letter, it will be observed, was written nineteen days after the date of Mr. Monroe's message to Congress, and related to an event that had occurred three months before. At that time, there was no steamship nor telegraphic communication between the capitals of the two countries, and it usually took about three weeks for mail matter to pass from one to the other. Moreover, the marine mails were infrequent and irregular. Whilst, therefore, it is barely possible that a copy of the Message may have reached London as early as December 21st, (the date of Mr. Canning's letter), the greater probability is that it had not, and that Mr. Canning's allusion to "the explicit declaration of the President" related to the Adams note of July 2nd, (which, as he assumed, had been written by direction of the President), and not to the Message itself. This, however, is not material. The essential point is, that Mr. Canning placed himself on record as opposed to the doctrine enunciated in both the message and the note, and hence could not have inspired either.

Mr. Rush's report of the conference substantially corroborates Mr. Canning's statement, except that what the latter called a mere "sounding," Mr. Rush represented as a distinct "proposal." The "proposal" was that England and the United States should publish to the world "a joint declaration" against the designs of the Allied Powers with respect to Spanish Amer-

* Stapleton's "Canning and his Times," 395; Wharton's Dig., Sec. 57.

ica; setting forth that, while the two governments did not desire any portion of those colonies for themselves, they "would not view with indifference any foreign intervention in the affairs of those colonies or their attempted acquisition by any third Power." As an inducement to Mr. Rush to join in the proposed declaration, Mr. Canning stated, according to Mr. Rush's report, that there was going to be "a call for a general European Congress for the consideration of the Spanish-American question," but that "England would take no part therein unless the United States should be represented." To which Mr. Rush says he replied that "the traditional policy of the United States was opposed to any participation in the political affairs of Europe;" but that, with respect to the proposed joint declaration, he would, on his own responsibility, "agree to it if England would first acknowledge the independence of the Spanish-American republics." This Mr. Canning declined to do, and so there was no joint declaration.*

From this time forth, Mr. Canning seems to have lost interest in the subject, so far, at least, as the United States was concerned. He may have subsequently "sounded" the French Minister on the subject with better prospects of success, as Mr. Rush appears to have suspected; but, in any case, it is manifest that his real object in approaching Mr. Rush was to obtain from the United States some public pledge, ostensibly against the designs of the Holy Alliance, but really and specifically against the acquisition by our government itself of any portion of Spanish America. By joining in the proposed declaration, we would have given England a substantial and perhaps inconvenient pledge against ourselves, without obtaining anything in return. Hence the independent declaration of a distinctly American policy, as advocated by Mr. Adams.†

Thus disappears the historical fiction that Mr. Canning "inspired," if he did not originate, the Monroe Doctrine. So far from that, he distinctly disapproved of it, except in so far as it related specifically to the designs of the Holy Alliance. He was ready to take steps to prevent the Allied Powers from interfering on behalf of Spain in her contest with her revolted American colonies; and he was equally anxious to prevent the partitioning

* MSS. Cor. State Department.

† See Adams's Memoirs, VI., pp. 177, 178.

of those colonies among those Powers. But he was not willing to go the length of recognizing the independence of the new republics; nor was he willing to concede the main point in Mr. Adams's note—namely, that the American continents were thenceforth to be considered closed to European colonization. On the contrary, he held distinctly, as his biographer tells us, that "the United States had no right to take umbrage at the establishment of new colonies from Europe on any unoccupied parts of the American continent."*

It was only when the political sky had been cleared by the bold stand taken by the United States, and when, as a consequence, the "Holy Alliance" had been practically dissolved, that England recognized the independence of the Spanish-American colonies, and hailed the policy of the United States as "a happy solution of the South-American question."† This, of course, was tantamount to an endorsement of the Monroe Doctrine; but to say that the Doctrine originated with the British Premier, or that he was the moving force behind it, or even that he "played an important part in its promulgation," is to ignore the facts of history.

The "Holy Alliance," (or the Allied Powers, as Mr. Canning called them), was, as every one knows, the celebrated League between Austria, Russia and Prussia, formed at Paris in September, 1815, soon after the downfall of Napoleon Bonaparte, which at one time received the moral support of nearly every European Power, including both England and France. England, however, had begun to regard it with disfavor, even prior to the first disclosure of its real purpose. Its professed object was the "regulation of the relations between Christian countries by the principles of Christian charity;" but its real purpose, as partially disclosed as early as 1821, and as made manifest at the Verona Conference of 1822, was the conservation of existing European dynasties, the reconquest of the Spanish-American states, and the extension of the power and influence of the Allies into the Western hemisphere. The United States had recognized the independence of those republics as early as March, 1822; and one of the immediate results of that action was the breaking down of

* Stapleton's Canning, pp. 195, 196.

† Br. Parl. Papers, Speeches of Lord Brougham and Sir James McIntosh.

old Spanish trade restrictions in South America and the opening of those countries to the world's commerce. England, ever ready to seize upon such opportunities for extending her commercial power and influence, had already established a profitable trade there; hence, while for political reasons she had refused to recognize the independence of the new republics, she had for commercial reasons opposed the ultimate designs of the Holy Alliance.

III.

It was under these circumstances that President Monroe and his Cabinet were considering the expediency of some more advanced step than had been hitherto taken diplomatically. The President was about to throw down the gauntlet, and to appeal to Congress and to the moral sense of the world. But he was pre-eminently a cautious and conservative man, and, before taking final action, he solicited the written opinions of ex-Presidents Madison and Jefferson in regard to it. Mr. Madison replied that "the circumstances and our relations to the new republics" were "such as to call for our efforts to defeat the meditated crusade." Mr. Jefferson, whose opinions had undergone a healthful change since the collapse of the French Revolution, was even more explicit. "Our first and fundamental maxim," he wrote, "should be, never to entangle ourselves in the broils of Europe. Our second, never to suffer Europe to intermeddle with cis-Atlantic affairs." Then, following still more closely the words in Washington's Farewell Address, he added: "America, North and South, has a set of interests distinct from those of Europe, and peculiarly her own. She should, therefore, have a system of her own, separate and apart from Europe."

The famous Message to Congress, of December 2nd, 1823, was the result of this deliberation. It is not probable that the original draft of that document is now in existence. If it were, and could be brought into evidence, it might possibly justify the claim, so often put forth, that Mr. Adams was its real author. But the fact would still remain that it was the President himself, and not his Secretary of State, who announced its principles to the world. It was he who stood responsible for it. It was his official sanction which gave authority to its phrases, no matter by whom it may have been written, and which lifted it above the plane of personal opinions.

After briefly alluding to the Northwest Boundary dispute, then in process of settlement, the Message proclaimed that the occasion had been "judged proper for asserting a principle in which the rights of the United States are involved—namely, that the American continents, by the free and independent condition they have assumed and maintained, are henceforth not to be considered as subjects for future colonization by European Powers."

This was but a repetition of what had been announced diplomatically six months before, to both England and Russia. But the Message adds:

"In the wars of European Powers, in matters relating to themselves, we have never taken any part, nor does it comport with our policy to do so. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are, of necessity, more immediately concerned, and by causes which must be obvious to all enlightened and impartial observers. The political system of the Allied Powers is essentially different in this respect from that of America. The difference proceeds from that which exists in their respective governments."

Here, again, in the last paragraph, we have an almost verbal repetition of Washington's warning. Then follows this paragraph:

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those Powers, to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

Next, we have the pledge of non-intervention in the affairs of pre-established colonies, as follows:

"With existing colonies or dependencies of any European Power we have not interfered, and shall not interfere; but with the Governments who have declared their independence and maintained it, and whose independence we have on great consideration and on just principles acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European Power, in any other light than as the manifestation of an unfriendly disposition toward the United States. . . . It is impossible that the Allied Powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our Southern brethren if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition, in any form, with indifference."

Again, one year later, in his annual Message of December 1st, 1824, referring to South-American affairs, he said:

"Separated as we are from Europe by the great Atlantic Ocean, we can have no concern in the wars of European Governments, nor in the causes which produce them."

The Message proceeds:

"It is the interest of the United States to preserve the most friendly relations with every Power, and on conditions fair, equal, and applicable to all. But in regard to our neighbors, our situation is different. It is impossible for European Governments to interfere in their concerns without affecting us; indeed, the motive which might induce such interference in the present state of war between the parties, (if war it may be called), would appear to be equally applicable to us."

Such, in brief, was the origin of the "Monroe Doctrine." There is no room for doubt as to its genesis or its meaning. Like the principle of "Free ships, free goods," now an acknowledged part of modern international law, it had purely an American origin; and its scope and meaning may be conveniently stated in three short sentences, viz:

1. No participation by the United States in the political broils of Europe; no interposition by Europe in the political affairs of the American republics.

2. No more European colonies on the American continents; those already established not to be interfered with.

3. No extension of European political systems on this hemisphere; no territorial expansion of existing European colonies thereon.

That is essentially all there is of it. It needs no construction. It never contemplated interference, in any manner, with vested European rights on these continents. It never contemplated intervention by the United States to prevent European governments from enforcing legitimate international obligations against the American republics, for international responsibility is the necessary concomitant of national sovereignty; but, in enforcing such obligations, European powers are prohibited from seizing and permanently holding American territory in satisfaction for debt, or as indemnity for torts. It has never embarrassed European governments in the free and legitimate administration of their affairs in pre-established American colonies; but it has been more than once successfully invoked and applied to prevent any

expansion of those colonies. It has steadily kept us aloof from all "entangling alliances," expressed or implied, with European Powers in their ambitious schemes of conquest; but it has never embarrassed us in any legitimate effort to extend our commercial relations to any part of the world. In this sense, and in this sense alone, it has always responded to intelligent public sentiment in this country, and has had the support of all political parties.

IV.

It has been said that the Monroe Doctrine, even as thus limited and understood, has never received the assent of Europe, nor even the sanction of our own Congress; consequently, that it has no legal validity. It seems to me that such an assumption, totally unsupported as it is by either fact or law, scarcely needs refutation. Even if the facts were as alleged, they would not warrant the conclusion drawn from them. But since the facts are not as alleged, the conclusion is doubly erroneous.

As a matter of fact, there has never been a formal protest against the Monroe Doctrine by any European Power. On the contrary, all have passively acquiesced in it for nearly a whole century, and passive acquiescence is tantamount to assent. And, whilst our national legislature has never specifically, and in so many words, reaffirmed it, that body has many times either taken its validity for granted or constructively affirmed it. Every resolution or other measure bearing upon it that has ever been introduced into either House of Congress, has been in support of it; never has there been one against it. That of 1824, by Mr. Clay, was never called up, because, under the change of circumstances which soon followed, the measure was deemed superfluous. That of 1864, which passed both Houses without a dissenting vote, took the validity of the Monroe Doctrine for granted, and resulted, as everybody knows, in the almost immediate evacuation of Mexico by the French. That of 1879 was never reported from the Committee on Foreign Affairs—possibly because the occasion for it had already passed. That of 1880 was unanimously sustained by the Foreign Affairs Committee, but the session closed before it could be acted upon. That of 1895-6, in relation to the Anglo-Venezuelan question, passed both Houses without a dissenting voice, and led to the settlement of the dispute by arbitration.

The Resolution of 1826, relative to the proposed Panama Congress, constitutes no exception. In the first place, it was not germane to the case at all. Its passage turned upon totally different issues, as is manfest from the very words of the Resolution itself. It merely expressed the opinion that the United States ought not, under the then existing circumstances, to be represented in that particular conference "except in a purely diplomatic character;" that we ought not, at that particular time, to form "any alliance with all or any of the Spanish-American states," but be left free to act, in any crisis that might arise, in "such manner as our feelings of friendship towards our sister republics and our own honor and traditional policy may at the time dictate." In the next place, viewed at this distance of time. it is easy to see just why that Congress failed. Not the Monroe Doctrine, but Negro Slavery was the rock on which it was wrecked. One of the questions proposed for discussion by the Congress was "the consideration of means to be adopted for the entire abolition of the African slave trade." Cuba and Porto Rico, then slave-holding provinces of Spain, were certain to be made subjects of discussion; Hayti, already a Negro republic, would be represented; and there were then over four millions of negro slaves in the United States, right of property in which was guaranteed by our fundamental law. Here, then, was an awkward dilemma to be avoided; and in avoiding it—in yielding to the necessity of preserving a class of vested interests in our slave-holding States—we lost the opportunity of giving permanent direction to the political and commercial connections of the newly enfranchised South-American republics, and the bulk of their trade passed into other hands. But the principles of the Monroe Doctrine were not, in any manner, abridged or modified thereby.

Again, it has been said that the so-called "Clayton-Bulwer Treaty," of 1850, was a material modification, if not a virtual abandonment, of the principles of the Monroe Doctrine. That that compact was a monumental diplomatic blunder, cannot be denied. Even British statesmen could not conceal their amazement at our short-sightedness in entering into such a one-sided agreement. It kept us on the stool of repentance for nearly half a century. But there were no circumstances connected with its negotiation, nor anything in the Treaty itself as ratified by the Senate, to warrant an inference that it contemplated the aban-

donment, or even a modification, of the Monroe Doctrine. The primary object was to obtain from Great Britain a solemn pledge never to attempt to colonize any alleged "unoccupied" portions of Central America. The secondary object was to stimulate investment of foreign capital in a great American enterprise, at a time when capital for such purposes was difficult to obtain. The blunder consisted in overlooking a covert (and perhaps doubtful) recognition of a British colony already illegally established in Central America. But aside from this, and the incautious "agreement to agree" (in Article VIII.) relative to the control and management of some possible future isthmian canal, the Treaty could not be construed as, in any way, derogatory of the Monroe Doctrine. Moreover, the Treaty itself, as finally proclaimed, was of very doubtful legality. It lacked the Senate's concurrence in Mr. Clayton's incautious assent to certain written constructions of it by the British Government, presented for the first time at the exchange of ratifications, which materially altered its meaning as understood by the slender majority of Senators who had ratified it. It never had much real vitality, even before our Government formally denounced it in 1881; it had still less after England abandoned her pretended "Protectorate" in Nicaragua, fourteen years later; and it has now happily ceased to have even a nominal existence.

Strangely enough, the intervention by the United States in the Anglo-Venezuelan case, in 1895-6, already alluded to, has been cited as an instance in which we disregarded the principles of the Monroe Doctrine. The contention is that, since the controversy was over a disputed divisional line between a long established and duly recognized European colony and a free American state, our interests were in nowise involved; and that our interposition, contrary to the expressed wish of one of the parties to the dispute, even with the laudable purpose of bringing it to friendly arbitration, was at once a violation of our traditional policy of neutrality and of our pledge not to interfere with European colonies "already established." But this is a total misconception of the facts in the case, as well as of the real principles involved. The important feature of that controversy was, England's assertion of right to extend the area of her colony in Guiana over adjacent "unoccupied territory;" for she claimed sovereignty in virtue of alleged "British settlements" made as

late as 1881, and she furthermore claimed eminent domain, even beyond those "settlements," in virtue of alleged "treaties made with the native Indian tribes."* It needs no argument to show that both of these contentions were wholly untenable—one being a palpable violation of a well settled principle of international law, the other being in open defiance of the Monroe Doctrine. If either of them were once conceded with respect to a particular region in South America, it would have to apply to others; and, if applied to South America in general, it would have to be admitted with respect to North America as well. It was precisely this covert, but ever present, feature of the case which gave it such international importance. Hence, so far from being a violation of the Monroe Doctrine, our interposition was directly and affirmatively in support of it.

Nor was that interposition an attempt to "expand" the Monroe Doctrine, as has been thoughtlessly charged. England had seized and fortified whole districts hitherto acknowledged to be Venezuelan territory. She had done this in defiance of repeated remonstrances and formal protests; and had persistently refused to evacuate those places, or to submit her claim of title to impartial arbitration. Under such circumstances, her acquisition involved either an act of war or an act of piracy; and, in either case, it was as much a violation of the principles of the Monroe Doctrine as if those districts had been seized by British troops or covered by British guns. The situation, therefore, presented one of two alternatives—either the enforcement of the Monroe Doctrine, or its total abandonment.

Finally, as every one knows, or is presumed to know, the great body of what we call International Law, like that of the English common law, is made up of precedent sanctioned by usage. In its last analysis, it is, as Lord Chief-Justice Russell once aptly expressed it, "little more than crystallized public opinion." And I think it has been sufficiently shown that the principles of the Monroe Doctrine are precedents as old as our Government itself. They have been sanctified by unbroken usage, and have given direction to our foreign policy for more than a century. Every one of our Presidents, from the first to the present, who has ever had occasion to refer to it, has specifically reaffirmed it. Every one of the Latin-American republics has, at one time or another,

* Br. Blue Book, 1896, p. 295.

and in some form or other, affirmatively supported it. Not one of the European Powers has ever entered formal protest against it; on the contrary, all have acquiesced in it, and thus tacitly assented to it. It is, therefore, a valid part of the public law of this continent; and until abandoned by us, or until formally challenged by Europe, or until modified or abrogated by public treaty, it will continue to be recognized as part of the modern International code of the Christian world.

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